

## **A G E N D A**

### **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 26, 2011**

**7:00 P.M.**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Anthony Green, Jamestown High School Graduate

**E. PUBLIC COMMENT**

**F. BOARD REQUESTS AND DIRECTIVES**

**G. CONSENT CALENDAR**

1. Minutes – June 14, 2011, Regular Meeting
2. Grant Award – Chesapeake Bay Restoration Fund - \$3,600
3. Contract Award – Criminal Justice Information Technology Improvement - \$18,950
4. Modification and Reissuance of a Revenue Bond for Christopher Newport University (CNU) Education Foundation, Inc. - \$8,000,000

**H. PUBLIC HEARINGS**

1. Ordinance to Amend Chapter 20, Taxation, Section 20-7.5, Fee for Passing a Bad Check to the County
2. Ordinance Amendments to Reflect Name Changes for Two Divisions
3. Ordinance to Amend Chapter 10, Garbage and Refuse, Section 10-4, Maintenance of Premises-Duty of Owners, Occupants and Persons in Charge
4. Ordinance to amend Chapter 2, Section 2-16.3, Disposition of unclaimed bicycles and mopeds
5. Olde Towne Medical Center Lease Renewal

**I. BOARD CONSIDERATIONS**

1. Resolution Requesting that Cox Communications Hampton Roads, LLC Carry a Richmond Area Television Station in James City County

**J. PUBLIC COMMENT**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**-CONTINUED-**

**L. BOARD REQUESTS AND DIRECTIVES**

**M. CLOSED SESSION**

1. Consideration of a personnel matter, involving the annual performance of County Administrator and County Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

**N. ADJOURNMENT** to 4 p.m. on August 9, 2011

072611bos\_age

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JUNE 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Bruce C. Goodson, Vice Chair, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator  
Leo P. Rogers, County Attorney

Ms. Jones recognized Planning Commissioner Al Woods in attendance.

**C. PLEDGE OF ALLEGIANCE** – Kasiah Grant, a sixth-grade student at Hornsby Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATION** – Disabled Veterans Real Estate Exemption

Mr. Richard Bradshaw, Commissioner of the Revenue, gave an overview of a constitutional amendment allowing for a real estate tax exemption for veterans who have been fully and permanently disabled in service and gave information on how to apply for the exemption.

Mr. Goodson asked about updating the Commissioner of the Revenue website with this information.

Mr. Bradshaw explained that the form could be found online, but it could not be filed electronically due to the attachments required.

Mr. Goodson asked about a deadline for the form submission.

Mr. Bradshaw explained that there was no deadline for this exemption.

Mr. Goodson highlighted the importance of updating the website for the benefit of people with disabilities.

Mr. Bradshaw noted that the form should be posted by the end of the week.

Mr. McGlennon asked about deadlines for reapplication.

Mr. Bradshaw explained that the reapplication was intended to confirm continued residence on the property and there was a need to keep the real estate land books current. He stated that if an exemption was allowed, a person would be exempt due to the State statute; no application deadline would prevent the exemption.

Mr. Icenhour commented on concerns from citizens related to the statement from the Veterans Affairs office that indicated there was not a 100 percent disability, though the veteran was receiving compensation for a 100 percent disability.

Mr. Bradshaw stated that the guidance has been that there must be a 100 percent service-related disability; the compensation rate was not the criteria considered.

#### **E. PUBLIC COMMENT**

1. Mr. Rick Rangel, 3962 Bournemouth Bend, commented that he previously spoke on stormwater management concerns at Wellington Estates. He indicated that he had not been contacted by staff regarding this issue.

2. Mr. Ed Oyer, 139 Indian Circle, commented on unkempt or derelict properties in his neighborhood and on Route 60; unsold properties in the County; enhancement opportunities for the Grove entryway corridor; and a third center lane on Route 60 East.

#### **F. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy commented on letters related to unkempt properties on Route 60 in Norge. He encouraged action against the habitual offenders to rectify the states of the properties. He noted that he was interested in having a “habitual offender” ordinance come before the Board.

Mr. Goodson stated that the Hampton Roads Transportation Planning Organization (TPO) was going to be adopting the Transportation Improvement Program (TIP). He stated that any road projects to receive Federal funds would need to be in the TIP. He highlighted the TIP projects within James City County, including the Pocahontas Trail relocation at Skiffe’s Creek; studies including the Skiffe’s Creek Connector Corridor, Longhill Road Corridor Study, and Mooretown Road corridor study, bicycle lane improvements on Richmond Road, and Williamsburg Area Transit Authority (WATA) vehicle replacements; resurfacing and signal upgrades; shoulder pavement and intersection improvements; bikeway improvements; funding for the Norge Depot Restoration Program, and Restoration of the *Godspeed* and *Discovery*. He noted that additional information was available on the Hampton Roads Planning District Commission (HRPDC) website.

Mr. McGlennon stated that he and Mr. Powell attended a meeting on Total Maximum Daily Load Levels and the Impacts on Waterways and the Chesapeake Bay. He recognized the observance of Flag Day. He noted that he participated in the recent Memorial Day service and that he and Chairman Jones attended Clean the Bay Day on June 4, 2011. He noted that he attended the dedication service for the Ann Yankovic Immunization Clinic at Olde Towne Medical Center. He noted the passing of Mr. Jim Yankovic and recognized his contributions to James City County and expressed his condolences.

Mr. Icenhour noted that on June 7, 2011, he attended a community meeting on the Forest Heights/Neighbors Drive revitalization meeting. He stated there was a good turnout with good feedback from citizens. He stated that staff has a monthly meeting on this item and the project was on schedule to be completed. He noted that he spoke at the General Education Diploma (GED) graduation ceremony at the

Virginia Peninsula Regional Jail. He recognized the eight graduates and the program administrators for their hard work. He noted concerns about paving in residential communities. He indicated that he did not think the Virginia Department of Transportation (VDOT) had done residential resurfacing; he asked for details about whether or not residential resurfacing has been done and what the priorities were for these projects.

Ms. Jones stated that she attended the Leadership Historic Triangle graduation, along with Mr. McGlennon. She also noted that she met with the riders of the Veterans' Ride for Recovery event. She noted that she attended the Clean the Bay Day and that Congressman Rob Wittman was also in attendance. She also attended the National Association for the Advancement of Colored People (NAACP) Celebration of Scholars and the GED graduation at Warhill High School.

Mr. McGlennon asked for a response to Mr. Rangel's concerns.

Mr. Middaugh stated that a brief response was sent to Mr. Rangel with an update and that a final report was being compiled for him. He stated that the request was very large and the documentation should be available shortly.

#### **G. CONSENT CALENDAR**

Mr. Goodson made a motion to adopt the Consent Calendar.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes –
  - a. May 24, 2011, Work Session Meeting
  - b. May 24, 2011, Regular Meeting
2. Grant Award – Hampton Roads Planning District Commission – \$137,000

#### **R E S O L U T I O N**

#### **GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION – \$137,000**

WHEREAS, James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County; and

WHEREAS, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter; and

WHEREAS, the generator will be purchased and installed at the refurbished Fire Administration building; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Capital Projects fund:

Revenue:

HRPDC-Medical Shelter Generator	<u>\$137,000</u>
---------------------------------	------------------

Expenditure:

Fire Administration Headquarters	<u>\$137,000</u>
----------------------------------	------------------

3. Grant Award – Commonwealth Attorney – Victim’s Witness Grant Program – \$107,067

**R E S O L U T I O N**

**GRANT AWARD – COMMONWEALTH ATTORNEY –**

**VICTIM’S WITNESS GRANT PROGRAM – \$107,067**

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$107,067 Federal grant from the Victim’s Witness Grant Fund (Federal share \$75,732; State share \$25,244; and County Match \$6,091) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012; and

WHEREAS, the grant requires a local cash or in-kind match of \$6,091, which is available in the Commonwealth Attorney’s general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 12, for the purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice Services Federal Revenue (DCJS)	\$75,732
Victim’s Witness Department of Criminal Justice Services State Revenue (DCJS)	25,244
James City County Matching Funds	<u>6,091</u>
Total	<u>\$107,067</u>

Expenditure:

Victim’s Witness Personnel	<u>\$107,067</u>
----------------------------	------------------

4. Grant Award – Colonial Community Corrections (CCC) Better Ways Program – \$6,670

**R E S O L U T I O N**

**GRANT AWARD – COLONIAL COMMUNITY CORRECTIONS (CCC) BETTER WAYS**

**GRANT PROGRAM – \$6,670**

WHEREAS, Colonial Community Corrections (CCC) has been awarded a grant of \$6,670 for gap funding from the Williamsburg Community Health Foundation (WCHF) for the Better Ways substance abuse treatment program; and

WHEREAS, this gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC for the purposes described above:

Revenue:

WCHF Grant	<u>\$6,670</u>
------------	----------------

Expenditure:

Professional Fees – Better Ways	<u>\$6,670</u>
---------------------------------	----------------

5. Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection Appropriation – \$15,000

**R E S O L U T I O N**

**COLONIAL COMMUNITY CORRECTIONS (CCC) SUPERVISION/INTERVENTION**

**FEE COLLECTION - \$15,000**

WHEREAS, Colonial Community Corrections (CCC) will collect \$15,000 more in Supervision and Intervention Fees in FY 11 than the \$35,000 originally appropriated; and

WHEREAS, this increased revenue will be used to fund Offender Services and the unanticipated costs associated with a relocation of the Satellite Office in York County, to include purchase of office furniture.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC fund for the purposes described above:

Revenue:

Supervision/Intervention Fees	\$ <u>15,000</u>
-------------------------------	------------------

Expenditures:

Offender Services	\$ 5,000
Relocation of Satellite Office/Equipping Satellite Office	<u>10,000</u>
Total	\$ <u>15,000</u>

6. Contingency Transfer – Motor Fuel Costs – \$39,000

**R E S O L U T I O N**

**CONTINGENCY TRANSFER – MOTOR FUEL COSTS - \$39,000**

WHEREAS, over the past few months, gasoline prices have risen significantly; and

WHEREAS, additional funding in some County departments is needed to cover these increased costs through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for FY 2011 as follows:

Expenditures:

Contingency	\$ (39,000)
Sheriff's Office	3,000
Police Department	4,500
Fire	23,500
Solid Waste	2,500
Facilities Maintenance	4,000
Fleet Maintenance	1,500

7. Change to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual

**R E S O L U T I O N**

**CHANGES TO CHAPTER 4, COMPENSATION, OF THE  
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, most other localities in the Hampton Roads region count paid time off as hours worked in calculating overtime; and

WHEREAS, James City County wants to be competitive with other localities in recruiting and retaining quality employees; and

WHEREAS, the recommended revisions to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual will change the County's Overtime Policy to include paid time off as hours worked in calculating overtime; and

WHEREAS, other recommended changes bring the compensation policies into alignment with law and practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 4, Compensation, of the James City County Personnel Policies and Procedures Manual effective July 1, 2011.

8. Amending the Employment Agreement between Robert C. Middaugh and James City County

**R E S O L U T I O N**

A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING THE EMPLOYMENT

AGREEMENT BETWEEN ROBERT C. MIDDAUGH AND JAMES CITY COUNTY

WHEREAS, James City County entered into an employment agreement with Robert C. Middaugh, Jr. dated June 29, 2010 (the "Agreement"), that identified the terms of employment for Robert C. Middaugh, Jr. as the James City County County Administrator (the "Employee"); and

WHEREAS, the Agreement has a specific provision in Section 3 establishing the Employee's salary at \$165,000; and

WHEREAS, the Agreement has a specific provision in Section 7 in which the County agrees to make all appropriate contributions on the Employee's behalf for both the employer and employee share required of the Virginia Retirement System; and

WHEREAS, it is the desire of the Board of Supervisors and the Employee to amend the Agreement dated June to reflect different terms in Section 3 related to compensation and Section 7 related to retirement that make the Agreement consistent with the provisions applied to other County employees hired after June 1, 2010; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 3 of the Agreement relating to compensation shall be adjusted to reflect a 5.7% increase in the base salary, making the contract provision read a base salary of \$174,405; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 7 of the Agreement relating to retirement be adjusted to reflect that the 5% employee share be paid by the employee rather than by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Section 3 of the Agreement be amended to read as follows:

- a. Base salary: employer agrees to pay employee annual a base salary of \$174,405 payable in installments at the same time that other management employees of the employer are paid.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that Section 7 of the Agreement be amended to read as follows:

- a. The employer agrees to enroll the employee into the applicable state or local retirement system and to make all appropriate employer contributions on the employee's behalf and that the employee will be required to make a 5% contribution towards the required employee share.

BE IT FURTHER RESOLVED that this resolution shall be incorporated as an amendment to Agreement.

9. Appointment to Colonial Group Home Commission

**R E S O L U T I O N**

**APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION**

WHEREAS, James City County has one governmental representative on the Colonial Group Home Commission; and

WHEREAS, Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Doug Powell to the Colonial Group Home Commission for a term expiring June 30, 2015.

10. Appointment to Williamsburg Regional Library Board of Trustees

**R E S O L U T I O N**

**APPOINTMENT TO THE WILLIAMSBURG REGIONAL LIBRARY BOARD OF TRUSTEES**

WHEREAS, Ms. Sue Mellen, Assistant Manager of Financial and Management Services, has been serving on the Williamsburg Regional Library Board of Trustees; and

WHEREAS, Ms. Mellen has expressed an interest in being reappointed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Sue Mellen to the Williamsburg Regional Library Board of Trustees for a term expiring June 30, 2015.

11. Zoning Administrator Appointment

**R E S O L U T I O N**

**APPOINTMENT OF ACTING ZONING ADMINISTRATOR**

WHEREAS, Ms. Melissa C. Brown was appointed Zoning Administrator of James City County; and

WHEREAS, Ms. Brown is currently unable to perform the functions and duties of Zoning Administrator, and it is necessary to appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Mr. Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager, previously served as the County's Zoning Administrator and has demonstrated knowledge, skills, and abilities related to this position; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Allen J. Murphy, Jr. as Acting Zoning Administrator.

12. Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$66,816

**R E S O L U T I O N**

**GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION**

**(HRPDC) – \$66,816**

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs; and

WHEREAS, the County and HRPDC agreed in April 2011 to extend the reimbursement period to a total of 60 months from October 2008 through September 2013, increasing the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

HRPDC-EOC Optical Internet	<u>\$66,816</u>
----------------------------	-----------------

Expenditure:

HRPDC-EOC Optical Internet	<u>\$66,816</u>
----------------------------	-----------------

13. Appropriation of Grant Award – Junior Woman’s Club of Williamsburg – \$500

**R E S O L U T I O N**

**GRANT AWARD – JUNIOR WOMAN’S CLUB OF WILLIAMSBURG – \$500**

WHEREAS, the James City County Fire Department has been awarded a grant for \$500 from the Junior Woman’s Club of Williamsburg; and

WHEREAS, the funds are to be used to purchase educational displays and a safety game for the Department’s fire safety program; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

Junior Woman’s Club FY 11 - Fire Safety	<u>\$500</u>
---	--------------

Expenditure:

Junior Woman’s Club FY 11 - Fire Safety	<u>\$500</u>
---	--------------

14. Appointment of Building Official

**R E S O L U T I O N**

**APPOINTMENT OF BUILDING OFFICIAL**

WHEREAS, the Virginia Uniform Statewide Building Code requires that every local building division have a building official, appointed by the local governing body, as the executive official in charge of the department; and

WHEREAS, Mr. Thomas W. Coghill has been hired as the Director of Building Safety and Permits and has attained Certified Building Official status in accordance with the Virginia Uniform Statewide Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Thomas W. Coghill as Building Official.

**H. PUBLIC HEARING**

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Adoption of State Law, Generally

Mr. Leo Rogers, County Attorney, explained that this ordinance amendment was an annual update to the County's Driving Under the Influence (DUI) laws to match the General Assembly's recent actions. He stated that the new ordinance would take effect on July 1, 2011. Mr. Rogers recommended adoption of the ordinance following the Board's public hearing.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was AYE: Kennedy Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**I. BOARD CONSIDERATIONS**

1. Virginia Retirement System (VRS) Plan 2 Employees Begin Paying the Five Percent Employee Share of their Retirement Contribution

Mr. Middaugh explained that during the Board's budget deliberations this year, the Board opted to exercise its ability to require Plan 2 employees, hired after July 1, 2010, to pay the five percent employee share of their Virginia Retirement System (VRS) retirement contribution. He explained that this resolution would enact that Board direction. He recommended adoption of the resolution.

Mr. Icenhour asked about circumstances where there could be a difference in take-home pay between Plan 1 and Plan 2 employees as a result of the contribution.

Mr. Middaugh stated that could be the case and that at the time of hire, an internal and external equity evaluation was done to ensure a competitive salary.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Kennedy Goodson, Jones (3). NAY: McGlennon, Icenhour, (2).

**RESOLUTION**

**REQUIRING VIRGINIA RETIREMENT SYSTEM (VRS) PLAN 2 EMPLOYEES TO PAY THE  
FIVE PERCENT EMPLOYEE SHARE OF THEIR RETIREMENT CONTRIBUTION**

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for those hired into Virginia Retirement System (VRS) covered positions on or after July 1, 2010, who were either new VRS members or prior members with no service credit, hereafter referred to as “Plan 2 employees”; and

WHEREAS, the legislation allowed local governments the option of having Plan 2 employees pay all or part of the five percent employee portion of their retirement contribution; and

WHEREAS, James City County elects to have Plan 2 employees participate in the cost of their retirement plan by paying all of their five percent member contribution through salary reduction in accordance with Internal Revenue Code § 414 (h); and

WHEREAS, this election represents a long-term cost savings measure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby will have Plan 2 employees pay the five percent Virginia Retirement System member contribution effective July 1, 2011.

2. **Fund Balance Policy**

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, stated that the Governmental Accounting Standards Board (GASB) has issued a statement which has changed the categories located in the Fund Balance in financial statements. She stated that the names were being changed from Reserved, Unreserved, Designated, and Undesignated to be called Non-spendable, Restricted, Committee Assigned, and Unassigned. She stated this was an attempt by GASB to make the Fund Balance more understandable to the reader. She explained that the resolution would establish the categories designated by GASB and formalize the policy established by the Board to maintain a minimum of eight percent and a target of 12 percent fiscal liquidity in the Unassigned category.

Mr. Icenhour asked how close the Board was to the 12 percent target.

Ms. Mellen stated that the balance was about 9.5 percent.

Mr. McGlenon made a motion to adopt the resolution.

**RESOLUTION**

**FUND BALANCE POLICY**

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted new financial reporting standards to provide more clearly defined categories to make the nature and extent of the constraints placed on a government’s fund balance more transparent; and

WHEREAS, the County of James City intends to be in compliance with the new financial reporting standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Fund Balance Policy:

**County of James City, Virginia  
Fund Balance Policy**

**Purpose**

This fund balance policy is intended to:

1. Ensure that the County of James City (the County) maintains adequate levels of fund balance to provide quality services to its residents in a fiscally responsible manner.
2. Protect the County against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures.
3. Provide a long-term perspective recognizing that stated thresholds are considered minimum balances and that credit markets carefully monitor levels of fund balance to maintain creditworthiness.

This policy and the procedures established therein supersede all previous regulations regarding the County's fund balance and reserve policies.

**Components of Fund Balance**

The following shall constitute the components of fund balance:

- A. Nonspendable - Amounts that cannot be spent because of their nature (such as the County's inventory) and amounts that must be maintained intact legally or contractually (such as the long-term amount of loans/notes receivable).
- B. Restricted - Amounts constrained for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- C. Committed - Amounts constrained for a specific purpose by the Board of Supervisors.
- D. Assigned - Amounts constrained for a specific purpose by the Manager of Financial and Management Services, who has been given the delegated authority by the board of Supervisors to assign amounts. The total amount reported as assigned should not result in a deficit in unassigned fund balance.
- E. Unassigned - Amounts not classified as nonspendable, restricted, committed, or assigned. Fiscal Liquidity of no less than eight percent, with a target of 12 percent, of the total operating budget (General Fund plus the County's share of Component Unit Schools) will be included in the unassigned fund balance and this policy will be disclosed in the Notes to the Financial Statements. The General Fund is the only fund that would report a positive amount in the unassigned fund balance.

### **Implementation and Review**

Upon the adoption of this policy, the Board of Supervisors authorizes the Manager of Financial and Management Services to establish any standards and procedures, which may be necessary for its implementation. The Manager of Financial and Management Services shall review this policy at least annually and make any recommendations for changes to the Board of Supervisors.

#### **3. Self-Fund Line of Duty Act Claims**

Ms. Mellen explained that there were two resolutions related to Line of Duty Act funding in 1972. The General Assembly passed the Line of Duty Act (LODA) program, which provided a death benefit for public safety officers killed in the line of duty. The State bore the responsibilities for these payments. Since then, the General Assembly has expanded the population of employees eligible for the benefit and has liberalized the benefits by providing a health insurance component. The increasing costs of the program and the requirement to show the liability for these benefits on the State's balance sheets prompted the General Assembly to renege on its promise to pay for the program. In 2010, the legislature passed on to local governments the responsibility for funding the LODA benefits for local employees. Local governments can finance these benefits through contributions to a trust managed by the VRS, finance them on their own, or through programs outside of VRS, such as one offered through the Virginia Association of Counties (VACO). The FY 2012 County budget allocated \$48,000 for LODA based on the best available information at the time. Local governments have until June 30, 2012, to make an irrevocable decision about whether to stay in the VRS trust fund or pay for the costs some other way. Staff has analyzed the risks and costs associated with the various funding options and believes that opting out of the VRS program prior to July 1, 2011, and financing these liabilities through a guaranteed cost insurance program offered by VACO is the best option.

Ms. Mellen explained that the first resolution was an irrevocable election to opt out of the program which was required by VRS and the second resolution is to authorize the County Administrator to enter into the addendum to the Member Agreement for the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) and transfer \$62,000 in the FY 2012 General Fund budget from the Contingency Account to the County's Insurance Account.

Mr. Goodson asked if the contingency transfer was for an additional \$62,000 for the program or a total of \$62,000.

Ms. Mellen stated that the total cost estimated for the program for FY 2012 would be about \$110,000 and that \$48,000 was previously budgeted.

Mr. Icenhour commented that the \$110,000 insurance investment protected the County from claims in excess of the estimated \$250,000 per year.

Ms. Mellen stated that was correct. She noted that it was also insurance against additional upcoming claims. She stated that the \$250,000 figure was related to known claims.

Mr. Icenhour stated that though the costs of the program were initially low, the costs could expand quickly. He stated that he understood this approach could be more fiscally responsible in the long term.

Ms. Mellen stated that was correct.

Mr. Icenhour made a motion to adopt the resolutions.

On a roll call vote, the vote was AYE: Kennedy Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**R E S O L U T I O N**

**IRREVOCABLE ELECTION NOT TO PARTICIPATE IN LINE OF DUTY ACT FUND**

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the “Fund”) for the payment of benefits prescribed by and administered under the Line of Duty Act, (Virginia Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of James City to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds effective July 1, 2011.

BE IT FURTHER RESOLVED that the following entities of James City County, the James City-Bruton Volunteer Fire Department, and the James City Volunteer Rescue Squad, to the best of the knowledge of James City County, constitute the population of their past and present covered employees under the Line of Duty Act.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending, or prospective claims) approved and made by the State Comptroller on behalf of James City County on or after July 1, 2010.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management, and investment of the Fund.

BE IT FURTHER RESOLVED that James City County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

## RESOLUTION

### LINE OF DUTY ACT FUNDING AUTHORIZING COUNTY ADMINISTRATOR TO ENTER INTO AGREEMENT WITH VACoRP AND CONTINGENCY TRANSFER

WHEREAS, the Virginia General Assembly has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Virginia General Assembly has shifted the cost of paying past, present and future liabilities under the Line of Duty Act from the State to local government entities through Item 258 of the 2010 Budget Bill; and

WHEREAS, the County of James City chooses to self fund its mandated obligations under the Line of Duty Act through coverage offered by the Virginia Association of Counties Group Self Insurance Risk Pool; and

WHEREAS, the County of James City has opted out of the Line of Duty Act Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to enter into an Addendum to the County's Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool for Line of Duty coverage.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds in the FY 2012 General Fund operating budget.

#### Expenditures:

Contingency	<u>\$62,000</u>
Financial and Management Services Insurance	<u>\$ 62,000</u>

#### 4. Urban Development Areas (UDAs)

Ms. Ellen Cook, Senior Planner, stated that Urban Development Areas (UDAs) were first adopted as part of Virginia's 2007 Transportation Financing Package. James City County has been subject to the statute since it was first adopted and has a compliance date of July 1, 2011. Compliance with the statute involves accommodation of development in the manner described in the statute. The legislation provides two paths to compliance: 1) Amend the Comprehensive Plan to incorporate one or more urban development areas, or 2) Adopt a resolution describing how the locality's plan accommodates growth in a manner consistent with the legislation. Staff recommends that the Board of Supervisors adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with Section 15.2-2223.1 of the Code of Virginia. Staff brought this information to the Policy Committee meetings on March 16, 2011, and April 25, 2011. In addition, the Planning Commission held a work session with public comment to discuss the topic on April 13, 2011. For the Board's reference, minutes from these meetings are attached.

At its May 4, 2011, meeting, the Commission voted 6-1 to endorse staff's certification proposal, subject to removing Five Forks from the list of mixed use areas that would be certified as the County's UDAs. Staff had no objection to removal of this mixed use area. Staff recommended approval of the resolution.

Mr. Icenhour asked if the Croaker interchange was located entirely within the Primary Service Area (PSA).

Ms. Cook stated that it was located within the PSA.

Mr. McGlenon commented that this legislation was part of a larger piece of legislation; he stated that the legislation was subject to revision or even repeal. He stated that this may not even be a continuing concept in State regulations. He asked if that was part of the rationale for staff's recommendation.

Ms. Cook stated that staff was aware of changes since the concept was adopted.

Ms. Jones stated that she would support this item, but if State law was repealed or if this matter became optional, this matter come back before the Board for reconsideration. She stated that she would prefer to opt out of the UDAs if possible.

Mr. McGlenon stated that he understood that adoption of the resolution was an indication of how the County would be in compliance with the legislation, rather than taking a position on the desirability of UDAs in public policy.

Ms. Cook stated that was correct.

Mr. Goodson stated that he believed this was the most reasonable way to handle compliance with the legislation. He made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Kennedy Goodson, McGlenon, Icenhour, Jones (5). NAY: (0).

## RESOLUTION

### URBAN DEVELOPMENT AREAS (UDAs)

WHEREAS, Section 15.2-2223.1 of the Code of Virginia, referred to herein as the Urban Development Areas (UDA) law, requires every locality that has adopted zoning, a population of at least 20,000, and population growth of at least five percent to incorporate one or more "urban development areas" in its comprehensive plan; and

WHEREAS, "urban development areas" are defined as areas that are appropriate for higher density development as defined in the statute and incorporate principles of traditional neighborhood development, which may include, but are not limited to, mixed-use neighborhoods, mixed housing types, pedestrian-friendly road design, street connectivity, reduction of subdivision street widths and turning radii at subdivision street intersections, reduction of front and side yard building setbacks, and preservation of natural areas; and

WHEREAS, in order to fulfill this requirement, localities that meet the criteria must either amend their comprehensive plans to incorporate urban development areas or adopt a resolution certifying

that the comprehensive plan accommodates growth in a manner consistent with the UDA law; and

WHEREAS, the James City County 2009 Comprehensive Plan establishes a mixed use land use designation that provides for mixed-use development standards promoting the new urbanist and traditional neighborhood design principles set forth in the UDA law and referenced above; and

WHEREAS, the 2009 Comprehensive Plan's mixed-use designated areas include Stonehouse (with zoning implementing the whole planned unit development of Stonehouse), Anderson's Corner, Toano, Norge, Croaker Interchange, Lightfoot, New Town, Williamsburg Crossing, Route 60/143/199 Interchanges, GreenMount, and Treyburn Drive, with sufficient acreage to accommodate at least ten but not more than 20 years of projected growth and which allow for development at sufficient residential and commercial densities to comply with the UDA law; and

WHEREAS, the UDA law states that a certification resolution shall describe any financial and other incentives for development in the areas that accommodate such growth, which James City County does not have specifically.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that the James City County 2009 Comprehensive Plan, adopted November 24, 2009, accommodates growth in a manner consistent with the provisions set forth in Section 15.2-2223.1 of the Code of Virginia.

5. Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement – \$300,000

Mr. Ed Overton, Purchase of Development Rights Program Administrator, stated that Dennis P. and Christine A. Weygand, have agreed upon terms for a perpetual conservation easement on their property consisting of 34.03 acres located at 8155 Diascund Road. He described the location, scenic, and environmental qualities of the property. The appraisal report prepared by Simerlein Appraisals, Ltd., established a baseline easement value of \$287,500. Mr. and Mrs. Weygand submitted a counteroffer of \$300,000, or \$8,815.75 per acre, which was presented to the Purchase of Development Rights (PDR) Committee for consideration. The PDR Committee recommended acceptance of the counteroffer. In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator on May 19, 2011. The letter offers to sell a conservation easement to the County for the value of \$300,000 on the parcels identified as James City County Tax Map Parcel No. 1030100013, subject to the terms and conditions set forth in the proposed Deed of Easement. The PDR Ordinance states in Section 16A-12(e) that "an offer to sell a conservation easement shall be accepted by the Board in writing, following an action by the Board authorizing acceptance." If the Board accepts the offer, final closing documents, including the Deed of Easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the resolution accepting the offer by Dennis P. and Christine A. Weygand to sell a conservation easement for the appraised value of \$300,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Mr. Kennedy clarified that this program was over a decade old. He noted that this program purchased development rights and that the property owner keeps their property, but limitations are placed on development of the parcel. He noted that this program was entirely voluntary. He commented that there was a tax benefit for undeveloped land as opposed to developed land. He made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**RESOLUTION**

**PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM – OFFER TO SELL A  
CONSERVATION EASEMENT – \$300,000**

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as:

8155 Diascund Road  
James City County Tax Map Parcel No. 1030100013.; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of \$300,000, subject to the conditions set forth in the proposed deed of easement referenced in the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

**J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, continued his comments about decrepit buildings on Route 60 in Grove; funds for replacing an engine in a County vehicle; off-street parking ordinance; and the quality of education in Williamsburg-James City County schools.

2. Mr. Rick Rangel, 3962 Bournemouth Bend, asked for clarification of staff's response to his issues at Wellington Estates related to stormwater management.

Mr. Middaugh indicated that staff had responded to Mr. Rangel via email about improvements to Best Management Practice (BMP), but additional documents were being compiled in response to his questions.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh noted that the Jamestown Road/Colony Square traffic signal was determined not to meet warrants. He stated that work on the project has been ceased. He stated that the Williamsburg area, including James City County, has been named as a finalist for the Most Patriotic Community. He stated that the community would be visited by assessors and that the Chamber was working on encouraging patriotic enthusiasm and involvement in the process. He stated that additional information was available on the Chamber's website.

Mr. Middaugh stated that a Closed Session was on the agenda for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

## L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson recognized and congratulated those who would be graduating from Williamsburg-James City County high schools on Saturday.

Mr. McGlennon expressed his appreciation to the Board and staff for evaluating the Jamestown Road/Colony Square traffic signal. He also noted that the Virginia Transit Association recognized the career of Mr. Richard Drumwright, formerly an employee of WATA, as Public Transit Employee of the Year. He also noted that he and Mr. Icenhour attended the Annual Police Department Awards.

Mr. McGlennon made a motion to appoint Mr. Timothy G. Harris to serve a vacant position on the Economic Development Authority (EDA).

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

Mr. Icenhour commented on the storm impact and recovery in Grove. He asked if all avenues have been exhausted to assist citizens in that area.

Ms. Jones commented on concerns about the County's membership of International Council for Local Environmental Initiatives (ICLEI), or the Cool Counties organization. She stated that citizens have commented that the County should not be a member of an organization specifically tied into Agenda 21 of the United Nations. She stated that she shared those sentiments and believed that the County could preserve sustainability without participation in ICLEI. She asked the Board to consider withdrawal of the County's membership in ICLEI.

Mr. McGlennon stated that he was aware of conversations related to ICLEI and sustainability; he noted that sustainability was specifically in the Comprehensive Plan. He commented that the Virginia Municipal League and the American Planners Association were in favor of the County's participation in ICLEI, which provides very useful tools to allow information gathering and dissemination about sustainability in the County. He stated that he hoped the Board would take a very careful look at the benefits and drawbacks of the organization before withdrawing membership. He stated that those who brought this issue forward create a conspiracy out of the concept of sustainability.

Ms. Jones stated that she would like to see the benefits of membership and tools provided by the organization. She stated discomfort for paying dues to tie in with the United Nations and its policies.

Mr. Goodson stated that he was uncomfortable with the original resolution and requested a change in language to depoliticize the resolution. He stated that he was recently contacted by a leader of the group requesting lobbying efforts and support for Environmental Protection Agency (EPA) water regulations. He stated concern for what the membership dues were being used to do.

Mr. Kennedy asked to see the information related to the resolution adopted. He stated that the benefits and resources should be evaluated and reported. He stated that he wanted to view all the information related to the membership before a decision was made.

Mr. Goodson stated that the membership was not intended to be for environmental political advocacy.

Ms. Jones stated that she investigated the ICLEI website for more information. She stated appreciation for the consideration by the Board.

Mr. Kennedy commented that he would not take a position on national political issues and he wished to work collectively to address local concerns. He stated concern for the overuse of the concept of freedom being threatened.

#### **M. CLOSED SESSION**

Mr. Icenhour made a motion to go into Closed Session for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically the Economic Development Authority and the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 8:22 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:42 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

#### **R E S O L U T I O N**

#### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider personnel matters, the appointment of individuals to County boards, and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

Mr. Goodson made a motion to appoint Elena Duggan and Robert Roberson to terms on the Williamsburg Area Arts Commission.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

Mr. McGlennon made a motion to reappoint Leanne DuBois to a term on the Economic Developmt Authority.

On a roll call vote, the vote was AYE: Kennedy Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

**N. ADJOURNMENT** to 4 p.m. on June 28, 2011.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 8:44 p.m., Ms. Jones adjourned the Board until 4 p.m. on June 28, 2011.

---

Robert C. Middaugh  
Clerk to the Board

061411bos\_min



## MEMORANDUM COVER

**Subject:** Grant Award - Chesapeake Bay Restoration Fund - \$3,600

**Action Requested:** Shall the Board approve the attached resolution to accept the \$3,600 grant for an eco-boat tour for the participants of the REC Connect Summer Camp?

**Summary:** The Commonwealth of Virginia Division of Legislative Services has awarded the James City County Division of Parks and Recreation a Chesapeake Bay Restoration Fund Grant to assist with the cost of a special environmental education program for the participants of the REC Connect Summer Camp. The grant will cover the cost of an eco-boat tour, and the County will contribute an equal match that will be used for supplies for water quality testing materials, crafts, and other projects that will be offered during the two-day camp.

**Fiscal Impact:**

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Department: \_\_\_\_\_

Manager: \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.: G-2**

**Date:** July 26, 2011

**M E M O R A N D U M**

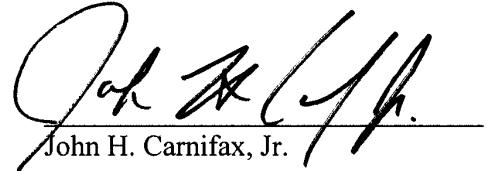
DATE: July 26, 2011  
TO: The Board of Supervisors  
FROM: John H. Carnifax, Jr., Director of Parks and Recreation  
SUBJECT: Grant Award - Chesapeake Bay Restoration Fund - \$3,600

---

James City County's Division of Parks and Recreation has been awarded a \$3,600 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia Division of Legislative Services. The County has received this grant for several years and this is how this program has been funded.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. As part of the experience, over 300 children will visit Chickahominy Riverfront Park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay.

Staff recommends approval of the attached resolution to accept the \$3,600 grant for the special marine camp and to appropriate the funds as described in the attached resolution.



John H. Carnifax, Jr.

JHC/gb  
GA-CBRest\_mem

Attachment

## RESOLUTION

### GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND - \$3,600

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Parks and Recreation Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$3,600 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

From the Commonwealth	<u>\$3,600</u>
-----------------------	----------------

Expenditure:

Chesapeake Bay Restoration Fund	<u>\$3,600</u>
---------------------------------	----------------

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

GA-CBRest\_res



## MEMORANDUM COVER

**Subject:** Grant Award - Criminal Justice Information Technology Improvement - \$18,950

**Action Requested:** Shall the Board approve the resolution that accepts the Virginia Department of Criminal Justice Services (DCJS) grant award?

**Summary:** The James City County Police Department has been awarded a Criminal Justice Information Technology Improvement Grant through the Virginia Department of Criminal Justice Services (DCJS) for \$18,950 (\$14,212 DCJS; \$4,738, local match).

The funds are to be used for the purchase of two items for the Department. The first is the purchase of a Forensic Recovery of Evidence Device (FRED). FRED is a computer/multimedia device reader used for acquiring and analyzing data contained on seized computers and/or multimedia devices.

The second is the acquisition of a LiveScan system. LiveScan allows for the collection, transfer, and printing of fingerprints and data to a central location in Virginia. This allows for identification in a matter of hours versus the weeks or months typically associated with identification collecting and mailing paper fingerprint cards.

This is the fourth, and anticipated final, year that the Criminal Justice Information Technology Improvement grant has been awarded to the James City County Police Department. Police Department staff has identified the need to use the funds for the purchase of FRED and LiveScan. These purchases will not take the place of budgeted expenses.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** This grant requires a local match of \$4,738.

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.: G-3**

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 2011  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Chief of Police  
SUBJECT: Grant Award – Criminal Justice Information Technology Improvement – \$18,950

---

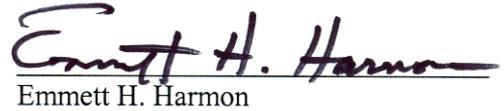
The James City County Police Department has been awarded a Criminal Justice Information Technology Improvement Grant through the Virginia Department of Criminal Justice Services (DCJS) for \$18,950 (\$14,212 DCJS; \$4,738, local match).

The funds are to be used for the purchase of two items for the Department. The first is the purchase of a Forensic Recovery of Evidence Device (FRED). FRED is a computer/multimedia device reader used for acquiring and analyzing data contained on seized computers and/or multimedia devices.

The second is the acquisition of a LiveScan system. LiveScan allows for the collection, transfer, and printing of fingerprints and data to a central location in Virginia. This allows for identification in a matter of hours versus the weeks or months typically associated with identification collecting and mailing paper fingerprint cards.

This is the fourth, and anticipated final, year that the Criminal Justice Information Technology Improvement grant has been awarded to the James City County Police Department. Police Department staff has identified the need to use the funds for the purchase of FRED and LiveScan. These purchases will not take the place of budgeted expenses.

Staff recommends adoption of the attached resolution.



Emmett H. Harmon

Emmett H. Harmon

CONCUR:

---

Robert C. Middaugh

EHH/nb  
GA\_CJITImp\_mem

Attachment

## **RESOLUTION**

### **GRANT AWARD – CRIMINAL JUSTICE INFORMATION TECHNOLOGY**

#### **IMPROVEMENT – \$18,950**

WHEREAS, the James City County Police Department has been awarded a Criminal Justice Information Technology Improvement Grant through the Virginia Department of Criminal Justice Services (DCJS) for \$18,950 (\$14,212 DCJS; \$4,738, local match); and

WHEREAS, the funds will be used for the purchase of LiveScan and Forensic Recovery of Evidence Device (FRED); and

WHEREAS, the grant requires a match of \$4,738, which is available in the Special Projects/Grants fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

#### **Revenues:**

DCJS – Technology Improvement	\$14,212
Grant Match Account	<u>4,738</u>
Total	<u>\$18,950</u>

#### **Expenditure:**

DCJS – Technology Improvement	<u>\$18,950</u>
-------------------------------	-----------------

---

Mary K. Jones  
Chairman, Board of Supervisors

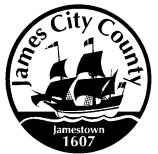
ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

GA\_CJITImp\_res



## MEMORANDUM COVER

**Subject:** Modification and Reissuance of a Revenue Bond for Christopher Newport University (CNU) Education Foundation, Inc. - \$8,000,000

**Action Requested:** Shall the Board authorize the modification and reissuance of the \$8,000,000 Revenue Bond for Christopher Newport University (CNU)?

**Summary:** The James City County Economic Development Authority (EDA), during its June 16, 2011, meeting, approved an amendment to an existing \$8,000,000 Revenue Bond for CNU. The Bond was originally issued May 18, 2001. The amendment will allow the modification of the Bond to extend its final maturity, currently September 1, 2011, for an additional period of up to ten years.

Staff recommends approval of the resolution authorizing the proposed modification.

**Fiscal Impact:** The EDA will receive administrative fees for the Bond.

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution
3. EDA Resolution
4. Summary of Public Hearing-June 16, 2011
5. Fiscal Impact Statement

**Agenda Item No.:** G-4

**Date:** July 26, 2011

**MEMORANDUM**

DATE: July 26, 2011

TO: The Board of Supervisors

FROM: Russell C. Seymour, Economic Development Director and Secretary, Economic Development Authority

SUBJECT: Resolution Authorizing the Modification and Reissuance of a Revenue Bond for Christopher Newport University Education Foundation, Inc.

---

During its June 16 meeting, the Economic Development Authority (EDA) approved a modification of the Revenue Bond for the Christopher Newport University Education Foundation, Inc. (the Foundation) which was originally issued on May 18, 2001. The original principal amount of \$8,000,000 was to assist the Foundation in a) the acquisition of properties for student housing, parking, and other facilities associated with Christopher Newport University (the "Project"); b) financing the cost of issuing the Bond; and c) financing the costs of furnishings and other costs associated with the development of the properties. The Project, which is owned by the Foundation, consists of certain real estate located adjacent to or in the immediate vicinity of the campus of Christopher Newport University in the City of Newport News, Virginia. The current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366, and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place. The Bond will be amended to extend its final maturity, currently September 1, 2011, for an additional period of up to ten (10) years at a principal amount not to exceed \$3,000,000. This amendment is being requested to refinance the current outstanding principal balance of \$2,984,119.69. The EDA receives an annual administrative fee of one-eighth of one percent on the outstanding balance.

You are reminded that neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County of James City, nor the Authority are pledged toward these bonds nor are these entities in any way liable for any costs or financial obligations incident thereto.

Staff recommends approval of the attached resolution.



Russell C. Seymour

RCS/gb  
CNURevBond\_mem

Attachments

## RESOLUTION

### MODIFICATION AND REISSUANCE OF A REVENUE BOND FOR CHRISTOPHER NEWPORT

#### UNIVERSITY (CNU) EDUCATION FOUNDATION, INC. - \$8,000,000

WHEREAS, on May 18, 2001, the Economic Development Authority (EDA) of James City County, Virginia (the "Authority"), issued, for the benefit of the Christopher Newport University (CNU) Education Foundation, Inc. (the "Foundation"), formerly known as The Christopher Newport University Educational Foundation, Inc., the Authority's \$8,000,000 Revenue Bond (CNU Project) Series 2001 (the "Bond"), and pursuant to a Bond Purchase and Financing Agreement dated as of May 1, 2001, among the Authority, the Foundation and Bank of America, N.A. (the "Lender"), the Authority sold the Bond to the Lender and applied the proceeds of the Bond to assist the Foundation in: a) the acquisition of properties for student housing, parking, and other facilities associated with CNU (the "Project") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366, and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place); b) financing the cost of issuing the Bond; and c) financing the costs of furnishings and other costs associated with the development of the properties; and

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has been advised that the Authority has approved the modification of the Bond to extend its final maturity (currently September 1, 2011) for an additional period of up to ten years at a principal amount not to exceed \$3,000,000; and

WHEREAS, the Board has been advised that the Foundation, in its appearance before the Authority: a) described the continued educational and other benefits to the County of James City, Virginia (the "County") and the City of Newport News, Virginia (the "City"), derived from the Project and from the modification of the Bond; b) requested that the Authority designate the Bond, as modified, as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), for calendar year 2011; and c) requested that the Authority recommend to the Board that it approve the issuance of the Amended and Restated Bond, a form of which has been presented to this meeting (the "Amended Bond"), as required by the Code; and

WHEREAS, the Board has been advised that a public hearing was held by the Authority with respect to the modification of the Bond, as required by the Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and by Section 147(f) of the Code, and that after its hearing the Authority: a) found and determined that the modification of the Bond will benefit the inhabitants of the City and the Commonwealth of Virginia and promote their education, welfare, convenience, and prosperity; b) designated the Amended Bond as a "qualified tax-exempt obligation" for calendar year 2011; and c) recommended that the Board approve the issuance of the Amended Bond as required by the Code; and

WHEREAS, a copy of the Authority's resolution, a reasonably detailed summary of the comments expressed at the public hearing held by the Authority with respect to the modification of the Bond, a statement in the form prescribed by Section 15.2-4907 of the Act, and a concurring resolution of the City Council of the City of Newport News, Virginia, as required by Section 15.2-4905 of the Act, have been filed with the Board.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the Board approves the modification of the Bond, the designation of the Amended Bond as a "qualified tax-exempt obligation" for calendar year 2011, and the issuance of the Amended Bond by the Authority to the extent required by the Code and the Act.
2. That the approvals herein do not constitute an endorsement to any owner of the Amended Bond of the creditworthiness of the Foundation or any other person, and the Amended Bond shall provide that neither the Commonwealth of Virginia, the County, nor the Authority shall be obligated to pay the Amended Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto.
3. That this resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by the Board of Supervisors of James City County, Virginia, at a meeting duly called and held on July 26, 2011, and that such resolution is in full force and effect on the date hereof.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

CNURevBond\_res

**RESOLUTION OF  
ECONOMIC DEVELOPMENT AUTHORITY OF  
JAMES CITY COUNTY, VIRGINIA**

WHEREAS, on May 18, 2001, the Economic Development Authority of James City County, Virginia (the "Authority"), issued, for the benefit of the Christopher Newport University Education Foundation, Inc. (the "Foundation"), formerly known as The Christopher Newport University Educational Foundation, Inc., the Authority's \$8,000,000 Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), and pursuant to a Bond Purchase and Financing Agreement dated as of May 1, 2001, among the Authority, the Foundation and Bank of America, N.A. (the "Lender"), the Authority sold the Bond to the Lender and applied the proceeds of the Bond to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place), (b) financing the cost of issuing the Bond and (c) financing the costs of furnishings and other costs associated with the development of the properties; and

WHEREAS, the entire principal amount of the Bond will come due on the final maturity date of the Bond of September 1, 2011; and

WHEREAS, the Foundation and the Lender desire to extend the final maturity of the Bond for an additional period of up to ten (10) years at a principal amount not to exceed \$3,000,000, and have been informed by bond counsel that such extension, together with certain other actions, must be approved by the Authority; and

WHEREAS, the Foundation has described to the Authority the continued educational and other benefits to the City of Newport News (the "City") and the County of James City (the "County") derived from the Project and has requested that the Authority agree to approve the extension of the final maturity of the Bond in accordance with the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and to designate the Bond, as so modified, as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), for calendar year 2011; and

WHEREAS, a public hearing has been held by the Authority with respect to the modification of the Bond, as required by the Act and by Section 147(f) of the Code, on the date hereof;

WHEREAS, the Foundation has requested that the Authority proceed with the modification of the Bond by the execution and delivery of (a) a Modification Agreement (the "Modification Agreement") among the Authority, the Foundation, the Christopher Newport University Real Estate Foundation, Inc., as guarantor, and the Lender, and (b) an Amended and Restated Bond (the "Amended Bond"), forms of which have been prepared by bond counsel and reviewed by counsel to the Authority and have been presented to this meeting.

BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA:

1. It is hereby found and determined that the modification of the Bond will benefit the inhabitants of the County and the Commonwealth of Virginia and promote their education, welfare, convenience and prosperity, and the Authority hereby agrees to undertake the modification of the Bond.

2. The Modification Agreement is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as may be approved by the Chairman or Vice Chairman of the Authority, either of whom may act, upon advice of counsel to the Authority, which approval shall be evidenced conclusively by the execution and delivery of the Modification Agreement.

3. The Chairman or Vice Chairman of the Authority, either of whom may act, is hereby authorized and directed to execute the Amended Bond, and the Secretary or Assistant Secretary of the Authority, either of whom may act, is authorized and directed to affix and attest the seal of the Authority. Such officers of the Authority are further authorized and directed to deliver the Amended Bond to the Lender upon the terms provided in the Modification Agreement; provided, however, that delivery of the Amended Bond shall not occur until the modification of the Bond has been approved by the Board of Supervisors of James City County, Virginia (the "Board"), and until the City Council of the City, by resolution (the "Concurring Resolution"), concurs with the adoption of this resolution in accordance with the Act. All terms of the Amended Bond are by this reference incorporated herein as a part of this resolution. The Chairman or Vice Chairman of the Authority, either of whom may act, is hereby authorized and directed to execute the Modification Agreement.

4. The officers of the Authority are hereby authorized and directed to execute and deliver all such certificates and instruments, including, without limitation, Internal Revenue Service Form 8038, and to take all such further action, as they may consider necessary or desirable in connection with the modification of the Bond as described herein.

5. The Authority hereby ratifies and agrees to the appointment of Kaufman & Canoles, a Professional Corporation, as bond counsel to supervise the proceedings with respect to the modification of the Bond.

6. All costs and expenses incurred in connection with the modification of the Bond, including the fees and expenses of bond counsel, counsel for the Authority and counsel for the Lender, shall be paid by the Foundation. If for any reason the Amended Bond is not issued, it is understood that all such expenses shall be paid by the Foundation and that the Authority shall have no responsibility therefor. The Foundation shall also pay the Authority's fees.

7. The Authority hereby designates the Amended Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code for calendar year 2011.

8. The Authority's officers shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as set forth herein.

9. The Authority hereby recommends that the Board approve the modification of the Bond and hereby directs the Chairman or Vice Chairman to submit to the Board the statement in the form prescribed by Section 15.2-4907 of the Act, a reasonably detailed summary of the comments expressed at the public hearing as required by Section 15.2-4906 of the Act, a copy of this resolution, and a copy of the Concurring Resolution.

10. This resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by a majority of the directors of the Economic Development Authority of James City County, Virginia, at a meeting duly called and held on June 16, 2011, and that such resolution is in full force and effect on the date hereof.

Dated: June 16, 2011



---

Secretary, Economic Development Authority of  
James City County, Virginia

5270539

## **SUMMARY OF PUBLIC HEARING**

At 8:00 a.m. on June 16, 2011, the Chairman of the Economic Development Authority of the James City County, Virginia (the "Authority") announced the commencement of a public hearing at the main conference room of Suite 203 of 5308 Discovery Park Boulevard, Williamsburg, Virginia 23188, on the plan of refinance of the Christopher Newport University Education Foundation, Inc., a Virginia nonstock corporation (the "Foundation"), formerly known as The Christopher Newport University Educational Foundation, Inc., the location and mailing address of which is 1 University Place, Newport News, Virginia 23606, for the amendment of a Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), issued by the Authority in the original principal amount of \$8,000,000, to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project"), (b) financing the cost of issuing the Bond and (c) financing the costs of furnishings and other costs associated with the development of the properties. The Project, which is owned by the Foundation, consists of certain real estate located adjacent to or in the immediate vicinity of the campus of Christopher Newport University in the City of Newport News, Virginia. The current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place. The Bond will be amended to extend its maturity for a maximum additional term of ten (10) years at a principal amount not to exceed \$3,000,000.

Kevin A. White, Esquire, Bond Counsel, described to the Authority the nature of the plan of refinance and the process for its approval. Mr. Douglas L. Hornsby, Esquire, Chief Executive Officer of the Foundation, described the current status of the Project and the plan of refinance. No other member of the public spoke at the public hearing in support of or opposition to the plan of refinance and the Chairman closed the public hearing at 8:10 a.m.

## **FISCAL IMPACT STATEMENT\***

Public Hearing Date: June 16, 2011

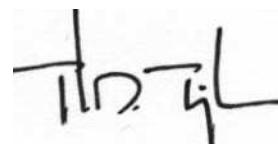
### **ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA**

#### **FINANCING FOR:**

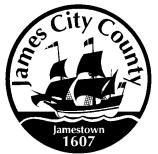
**Applicant:** Christopher Newport University Educational Foundation, Inc.  
**Facility:** CNU Project- Series 2001

1. Maximum amount of financing sought	\$	<b>3,000,000</b>
2. Estimated taxable value of the facility's real property to be constructed in James City County	\$	<b>0</b>
3. Estimated real property tax per year in James City County using present tax rates	\$	<b>0</b>
4. Estimated personal property tax per year in James City County using present tax rates	\$	<b>0</b>
5. Estimated merchants' capital tax per year in James City County using present tax rates	\$	<b>0</b>
6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within James City County	\$	<b>Minimal</b>
(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within James City County	\$	<b>Minimal</b>
(c) Estimated dollar value per year of services that will be purchased from Virginia companies within James City County	\$	<b>Minimal</b>
(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within James City County	\$	<b>Minimal</b>
7. Estimated number of regular employees on year round basis		<b>0</b>
8. Average annual salary per employee	\$	<b>N/A</b>

### **ECONOMIC DEVELOPMENT AUTHORITY OF JAMES CITY COUNTY, VIRGINIA**

By \_\_\_\_\_  
  
Chairman

\*The information in this Fiscal Impact Statement was supplied to the Authority by the Applicant.



## MEMORANDUM COVER

**Subject:** Ordinance to Amend Chapter 20, Taxation, Section 20-7.5, Fee for passing a bad check to the County

**Action Requested:** Shall the Board adopt an ordinance that will increase the fee from \$35.00 to \$50.00 for passing a bad check to the County?

**Summary:** The Code of Virginia, Section 15.2-106, allows a locality to charge a fee of up to \$50 for the passage of a bad check. The Treasurer has asked that we update the corresponding section of the County Code to reflect that change and give the County access to the full penalty provided it by the General Assembly.

Staff recommends adoption of the attached ordinance.

**Fiscal Impact:** Will increase revenue for the County

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.: H-1**

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 2011  
TO: The Board of Supervisors  
FROM: Max Hlavin, Intern  
SUBJECT: Ordinance to Amend Chapter 20, Taxation, Section 20-7.5, Fee for Passing a Bad Check to the County

---

The 2011 General Assembly amended and reenacted Section 15.2-106 of the Code of Virginia, which gives localities the authority to charge a fee for the passing of a bad check to the locality. The amendment simply raised the amount that the locality may charge for receiving a bad check from \$35 to \$50. The Treasurer has asked that the Board update the corresponding section of the County Code to reflect that change and give the County access to the full penalty provided it by the State legislature.

Staff recommends adoption of the attached ordinance.

---

Max Hlavin

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

MH/gb  
BadCheck\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-7.5, FEE FOR PASSING A BAD CHECK TO THE COUNTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-7.5, Fee for passing a bad check to the county.

Chapter 20. Taxation

Article I. In General

**Sec. 20-7.5. Fee for passing a bad check to the county.**

There shall be a fee of \$35.00 ~~\$50.00~~ imposed on any person for the uttering, publishing, or passing of any check or draft to the county, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

**State law reference – Code of Va., § 15.2-106.**

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

BadCheck\_ord



## MEMORANDUM COVER

**Subject:** Ordinance Amendments to Reflect Name Changes for Two Divisions

**Action Requested:** Shall the Board adopt these Ordinances to effectuate the following name changes: Environmental Division to Engineering and Resource Protection Division and Code Compliance Division to Building Safety and Permits Division?

**Summary:** The County's Environmental Division has been renamed the Engineering and Resource Protection Division and the Code Compliance Division is now called the Building Safety and Permits Division. These changes were initiated in order to clarify the purpose of these divisions for citizens. The name changes are already in use; however, as a housekeeping measure, the Board must formally adopt the changes to the relevant chapters of the James City County Code. The following chapters have been amended: Chapter 2, Administration; Chapter 4, Building Regulations; Chapter 8, Erosion and Sediment Control; Chapter 11, Health and Sanitation; Chapter 12, Licenses; Chapter 17, Sewers and Sewage; Chapter 19, Subdivisions; Chapter 22, Wetlands; and Chapter 24, Zoning.

Staff recommends adoption of the attached ordinances.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinances

**Agenda Item No.:** H-2

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 201

TO: The Board of Supervisors

FROM: Erin Waugh, Law Intern

SUBJECT: Ordinance Amendments to Reflect Name Changes for Two Divisions

---

Attached for your consideration are ordinances amending the following chapters: Chapter 2, Administration; Chapter 4, Building Regulations; Chapter 8, Erosion and Sediment Control; Chapter 11, Health and Sanitation; Chapter 12, Licenses; Chapter 17, Sewers and Sewage; Chapter 19, Subdivisions; Chapter 22, Wetlands; and Chapter 24, Zoning.

Amendments to these chapters represent the name changes to the Environmental Division and the Code Compliance Division. The Environmental Division has been renamed the Engineering and Resource Protection Division. The Code Compliance Division is now the Building Safety and Permits Division. The functions of each division will remain unchanged. The name changes are intended to clarify the purpose of these divisions for citizens. The new names are currently in use, and by adopting the attached ordinances, the Board of Supervisors will formally add the changes to the James City County Code.

Staff recommends adoption of the attached ordinances.

---

Erin Waugh

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

EW/gb  
NameChngOrd\_mem

Attachments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-11.1, DISCLOSURES OF FINANCIAL INTEREST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-11.1, Disclosures of financial interest.

Chapter 2. Administration  
Article IV. Officers and Employees  
Division 1. Generally

**Section 2-11.1. Disclosures of financial interest.**

Annually by January 15 of each year or otherwise within 21 days of formal notification of appointment or employment, the members of the board of supervisors and of the school board, and the county administrator, the assistant county administrator, the county attorney, the manager of financial and management services, the manager of development management, the manager of general services, the director of planning, the director of ~~code compliance~~ *building safety and permits*, the zoning administrator, the capital projects administrator, the director of the ~~environmental engineering and resource protection~~ division, the general manager of the James City Service Authority, and the human resources manager shall file, as a condition to assuming or holding office or employment, a disclosure statement of personal interests and such other information as required on the form or forms specified in section 2.2-3117 of the Code of Virginia, as amended.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp2Admin\_ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGIINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 1, GENERALLY, SECTION 4-4, WHEN AND WHERE COPIES MAY BE OBTAINED; ARTICLE VI, WELL CONSTRUCTION, SECTION 4-52, DEFINITIONS; SECTION 4-53, APPLICATION AND COMPLIANCE; SECTION 4-54, ADMINISTRATION AND ENFORCEMENT; SECTION 4-61, INSPECTIONS; SECTION 4-62, NOTICE TO CORRECT; AND SECTION 4-64, EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-4, When and where copies may be obtained; Section 4-52, Definitions; Section 4-53, Application and compliance; Section 4-54, Administration and enforcement; Section 4-61, Inspections; Section 4-62, Notice to correct; and Section 4-64, Exceptions.

#### Chapter 4. Building Regulations

##### Article I. Virginia Uniform Statewide Building Code

###### Division 1. Generally

###### **Sec. 4-4. When and where copies may be obtained.**

Copies of the Virginia Uniform Statewide Building Code are available to members of the public in the office of the Board Of Housing And Community Development in accordance with section 36-104, Code of Virginia, 1950, as amended. Copies of the publications adopted herein shall be offered for public inspection and review when available at the office of ~~code compliance~~ *building safety and permits* during regular business hours.

##### Article VI. Well Construction

###### **Sec. 4-52. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Approved.* Material, equipment, workmanship, process or method that has been accepted by the office of ~~code compliance~~ *building safety and permits* and the local health department as suitable for proposed use.

**Sec. 4-53. Application and compliance.**

(b) Building contractors, developers, plumbers, well drillers and all persons making well and well pump installations shall be responsible for compliance with applicable sections of this article and the Virginia Uniform Statewide Building Code. It shall be the responsibility of the well driller to secure the well permit from the office of ~~code compliance~~ *building safety and permits*. The permit does not exempt persons from securing any approval or permit required by the health department, state water control board or any other permit required by the office of ~~code compliance~~ *building safety and permits*.

**Sec. 4-54. Administration and enforcement.**

This article shall be administered and enforced by the director of ~~code compliance~~ *building safety and permits* or the general manager of the authority or their appointed designees.

**Sec. 4-61. Inspections.**

The general manager of the authority, director of ~~code compliance~~ *building safety and permits* or their appointed designees shall be responsible for inspections and the approval or rejection of any material, equipment, workmanship, process or method involved in the construction and installation of wells. Inspections shall be scheduled at least one working day in advance and occur during the authority's normal working hours. Inspections can be scheduled by calling the office of ~~code compliance~~ *building safety and permits*. Inspections are required for all grouting operations and the completed well. An operational permit will be issued upon the satisfactory completion of the well and acceptance of the water quality test results.

**Sec. 4-62. Notice to correct.**

The general manager of the authority or director of ~~code-compliance~~ *building safety and permits* shall issue written notice requiring the permit holder to correct any violations of this article or the terms of the permit within a reasonable period of time. Should any violation be uncorrectable, the permit holder may be required to abandon the well as detailed in section 4-59. Certificates of occupancy and operational permits will not be issued by ~~code-compliance~~ *the building safety and permits division* until all work is satisfactorily completed. Failure to comply shall result in penalties being assessed under section 4-63 and the denial of any further permits under this article.

**Sec. 4-64. Exceptions.**

The director of ~~code-compliance~~ *building safety and permits* shall have the authority to grant exceptions to this article for the use of alternative materials or construction methods subject to the following:

- (4) The exception shall be requested in writing, with justification and documentation satisfactory to the director of ~~code-compliance~~ *building safety and permits*; and
- (5) The director of ~~code-compliance~~ *building safety and permits* may impose reasonable conditions to the granting of the exception.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp4BldgReg\_ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-2, DEFINITIONS; SECTION 8-3, EROSION AND SEDIMENT CONTROL PROGRAM; SECTION 8-4, REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS, CONTENTS OF PLANS; SECTION 8-5, PERMITS, FEES, BONDING, ETC.; SECTION 8-6, MONITORING, REPORTS, AND INSPECTIONS; AND SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Section 8-2, Definitions; Section 8-3, Erosion and sediment control program; Section 8-4, Regulated land-disturbing activities; Submission and approval of plans, content of plans; Section 8-5, Permits, fees, bonding, etc.; Section 8-6, Monitoring, reports, and inspections; and Section 8-7, Penalties, injunctions, and other legal actions.

#### Chapter 8. Erosion and Sediment Control

##### **Sec. 8-2. Definitions.**

As used in the chapter, unless the context requires a different meaning:

*Certified program administrator.* The director of the environmental division *engineering and resource protection division* who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

*Plan-approving authority.* The environmental *engineering and resource protection* division responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

**Sec. 8-3. Erosion and sediment control program.**

(c) The county hereby designates the ~~environmental~~ *engineering and resource protection* division as the plan-approving authority.

Sec. 8-4. Regulated land-disturbing activities; Submission and approval of plans, contents of plans.

(a) Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the ~~environmental~~ *engineering and resource protection* division for the county an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.

**Sec. 8-5. Permits, fees, bonding, etc.**

(e) Performance surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the ~~environmental engineering and resource protection~~ division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

**Sec. 8-6. Monitoring, reports, and inspections.**

(b) The ~~environmental engineering and resource protection~~ division shall periodically inspect the land-disturbing activity as prescribed in the *Virginia Erosion and Sediment Control Regulations* and require that an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land-disturbing activity, be identified to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the ~~environmental engineering and resource protection~~ division determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and shall be subject to the penalties provided by this chapter.

(c) Upon determination of a violation of this chapter, the ~~environmental engineering and resource protection~~ division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the ~~environmental engineering and resource protection~~ division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of James City County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the ~~environmental engineering and resource protection~~ division may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.

The owner may appeal the issuance of an order to the circuit court of James City County.

Any person violating or failing, neglecting or refusing to obey an order issued by the ~~environmental~~ *engineering and resource protection* division may be compelled in a proceeding instituted in the circuit court of James City County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the ~~environmental~~ *engineering and resource protection* division from taking any other action authorized by this chapter.

**Sec. 8-7. Penalties, injunctions, and other legal actions.**

(c) The ~~environmental~~ *engineering and resource protection* division, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of James City County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp8EroCont\_ord

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SWIMMING POOLS, SECTION 11-18, DEFINITIONS; SECTION 11-19, POOL OPERATION AND MAINTENANCE; SECTION 11-20, INSPECTION; SECTION 11-21, AUTHORITY TO ORDER POOLS CLOSED; AND ARTICLE IV, SMOKING, SECTION 11-33, ENFORCEMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by amending Section 11-18, Definitions; Section 11-19, Pool operation and maintenance; Section 11-20, Inspection; Section 11-21, Authority to order pools closed; and Section 11-33, Enforcement.

Chapter 11. Health and Sanitation

Article III. Swimming Pools

**Sec. 11-18. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

*Director.* The director of ~~code compliance~~ *building safety and permits* for James City County or his designee.

**Sec. 11-19. Pool operation and maintenance.**

(a) *Water supply.* All water used in public swimming pools shall be from potable sources that are approved by the director of ~~code compliance~~ *building safety and permits*. No piping arrangements shall exist which will permit sewage or wastewater to enter the swimming pool system.

(c) *Disinfection.* The treatment system of all public swimming pools shall be operated at all times when the pool is in use so as to maintain either a free chlorine residual content of not less than 0.5 ppm at

all points throughout the swimming pool, or adequate disinfection by chemicals at such other levels as approved by the director of ~~code compliance~~ *building safety and permits*.

(e) *Operating records.* Daily records of the operation of public swimming pools shall be maintained by the operator. These records shall indicate pH and chlorine levels, water clarity and cleanliness, and such other information as may be required by the director of ~~code compliance~~ *building safety and permits* to determine if the pool is being operated in a healthy and safe manner. These records shall be kept on file for a period of at least one year.

(f) *Filtration.* Filters designed to clear the pool water shall be operated 24 hours per day each day the public swimming pool is in use. At all times when the pool is open, the water shall be sufficiently clear to permit a disc six inches in diameter, divided into alternate black and white quadrants, when placed on the bottom of the pool at the deepest point, to be clearly visible from the swimming pool deck. The filter requirement may be waived by the director of ~~code compliance~~ *building safety and permits* for pools in which water depth is no greater than two feet upon a determination that alternate methods are being utilized to maintain the water clarity.

(g) *Lifesaving equipment.* The operator of any public swimming pool shall provide minimum lifesaving equipment consisting of either a "shepherd's crook" or a "throw ring" with rope attached, capable of reaching across half the width of the pool. The director of ~~code compliance~~ *building safety and permits* may, in writing, require additional lifesaving equipment, when such is deemed necessary because of the size of the pool or activity therein.

#### **Sec. 11-20. Inspection.**

The operator or person in charge of any public swimming pool shall, upon request of the director of ~~code compliance~~ *building safety and permits*, permit access to all parts of the establishment at all reasonable times for the purpose of inspection.

#### **Sec. 11-21. Authority to order pools closed.**

When the director of ~~code compliance~~ *building safety and permits* finds a violation of this article or any other condition that endangers the health or safety of the users of a public swimming pool, the director may order the pool closed until such condition is corrected. Failure to immediately close the pool shall be a violation of this article.

Article IV. Smoking.

**Sec. 11-33. Enforcement.**

- (a) Any citizen who desires to register a complaint under this article may contact the police department or office of ~~code compliance~~ *building safety and permits* who may initiate civil enforcement.
- (b) The director of ~~code compliance~~ *building safety and permits* or duly authorized designee shall perform an evaluation for compliance with all requirements of this article while an establishment is undergoing otherwise mandated inspections. The director of ~~code compliance~~ *building safety and permits* or duly authorized designee may issue a civil summons for any violation under section 11-32(a).

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp11HlthSan\_ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 12-72, PAWNBROKERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-72, Pawnbrokers.

Chapter 12. Licenses

Article II. Specific Businesses and Activities

**Sec. 12-72. Pawnbrokers.**

(c) *Issuance of license.* The commissioner of the revenue may issue a pawnbroker license upon receipt of the following:

- (1) Statement from the ~~director of code compliancee zoning administrator~~, or his designee, that conduct of a pawnbroker business in the location proposed is in conformity with the County Code.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SEWERS AND SEWAGE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SEPTIC TANKS, SECTION 17-11, PERMIT REQUIRED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Sewers and Sewage, is hereby amended and reordained by amending Section 17-11, Permit required.

Chapter 17. Sewers and Sewage

Article III. Septic Tanks

**Sec. 17-11. Permit required.**

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the county ~~code compliance office~~ *building safety and permits division*. The application for such permit shall be made on a form furnished by the ~~code compliance office~~ *building safety and permits division*, and shall include written approval by the county health department, as well as any plans, specifications, and other information as are deemed necessary by the ~~code compliance office~~ *building safety and permits division*. A permit and inspection fee of \$100.00 shall be paid to the county treasurer prior to the issuance of said permit.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp17Sewers\_Ord

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS; ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-32, LAND MUST BE SUITABLE, SECTION 19-50, STREET DRAINAGE; SECTION 19-64, STREETLIGHTS; AND ARTICLE IV, PERFORMANCE ASSURANCES, SECTION 19-72, INSTALLATION OF IMPROVEMENTS AND BONDING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-2, Definitions; Section 19-32, Land must be suitable; Section 19-50, Street drainage; Section 19-64, Streetlights; and Section 19-72, Installation of improvements and bonding.

## Chapter 19. Subdivisions

### Article I. General Provisions

#### **Sec. 19-2. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter.

*Division of code compliance building safety and permits.* The James City County Director of code compliance *Building Safety and Permits* or his designee.

~~Environmental division~~ *Engineering and resource protection division.* The Director of the James City County ~~Environmental Division~~ *Engineering and Resource Protection Division* or his designee.

### Article III. Requirements for Design and Minimum Improvements

#### **Sec. 19-32. Land must be suitable.**

(a) The agent shall not approve the subdivision of land if he determines, after adequate investigations conducted by the transportation department, the health department or the ~~environmental~~ director *of engineering and resource protection*, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.

#### **Sec. 19-50. Street drainage.**

(c) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into natural drainage or enters a common area. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the ~~environmental division~~ director *of engineering and resource protection* upon written request and justification by the owner or developer.

#### **Sec. 19-64. Streetlights.**

(a) The subdivider shall install streetlights as determined by the ~~environmental division~~ director *of engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body, in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the transportation department prior to the end of the one-year billing period covered by the deposit,

the subdivider shall compensate the county for any additional rental charges incurred prior to release of the subdivision surety.

(b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the ~~environmental division~~ director *of engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners' association or other legal entity shall be demonstrated to the satisfaction of the county attorney.

#### Article IV. Performance Assurances

##### **Sec. 19-72. Installation of improvements and bonding.**

(a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the director of ~~the environmental division~~ *engineering and resource protection*. Such documents shall be submitted to the director of ~~the environmental division~~ *engineering and resource protection*. The form of the agreement and type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the director of ~~the environmental division~~ *engineering and resource protection*. If the improvements are not completed in a timely manner, the director of ~~the environmental division~~ *engineering and resource protection* shall proceed to complete the improvements by calling on the surety.

(b) Upon written request by the subdivider, the director of ~~the environmental division engineering and resource protection~~ shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The director of ~~the environmental division engineering and resource protection~~ shall not be required to execute more than three periodic partial releases in any twelve-month period.

(c) Within 30 days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the director of ~~the environmental division engineering and resource protection~~ shall notify the subdivider of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the director of ~~the environmental division engineering and resource protection~~ requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.

(d) If no action is taken by the director of ~~the environmental division engineering and resource protection~~ within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The director of ~~the environmental division engineering and resource protection~~ shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.

(e) Upon final completion and acceptance of said facilities, the director of ~~the environmental division engineering and resource protection~~ or his designee shall release any remaining surety to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when said public facility is accepted by and taken over for operation and maintenance by the

Ordinance to Amend and Reordain  
Chapter 19. Subdivisions  
Page 5

state agency, county government department or agency, or other public authority which is responsible for maintaining and operating such facility upon acceptance.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp19Subdiv\_ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, USE PERMITS, SECTION 22-5, APPLICATIONS, MAPS, DOCUMENTS TO BE OPEN TO PUBLIC INSPECTION; AND SECTION 22-7, WETLANDS BOARD ACTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Section 22-5, Applications, maps, documents to be open to public inspection; and Section 22-7, Wetlands board action.

Chapter 22. Wetlands

Article II. Use Permits

**Sec. 22-5. Applications, maps, documents to be open to public inspection.**

All applications, maps and documents submitted shall be open for public inspection at the ~~environmental division~~ *engineering and resource protection division* office.

**Sec. 22-7. Wetlands board action.**

(d) If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the commissioner. Upon a final determination by the commission, the record shall be returned to the board. The record shall be open for public inspection at the ~~environmental division~~ *engineering and resource protection division* office of this county.

Ordinance to Amend and Reordain  
Chapter 22. Wetlands  
Page 2

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp22Wetlnd\_ord

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-289, UTILITIES; SECTION 24-290, STREET IMPROVEMENTS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-466, PROCEDURES; SECTION 24-470, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 15, MIXED USE, MU, SECTION 24-517, PROCEDURES; AND ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-595, REGULATIONS FOR CONSTRUCTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-159, Compliance with site plan required; Section 24-289, Utilities; Section 24-290, Street improvements; Section 24-314, Requirements for improvements and design; Section 24-466, Procedures; Section 24-470, Requirements for improvements and design; Section 24-497, Requirements for improvement and design; Section 24-517, Procedures; and Section 24-595, Regulations for construction.

Chapter 24. Zoning

Article III. Site Plan

**Section 24-159. Compliance with site plan required.**

- (a) *Inspection and supervision during development:*

(1) Unless otherwise specifically provided in this chapter, the construction standards for all off-site and on-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of ~~code compliance~~ *building safety and permits* or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~code compliance~~ *building safety and permits* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

## ARTICLE V. DISTRICTS

### **Section 24-289. Utilities.**

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

(2) Individual wells shall be approved by the health department and the director of ~~code compliance~~ *building safety and permit* prior to preliminary site plan approval;

(4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of ~~code compliance~~ *building safety and permits*. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and

**Section 24-290. Street improvements.**

(b) Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits.*

**Section 24-314. Requirements for improvements and designs.**

(f) *Streets.* All streets shall meet the design and construction requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the county Comprehensive Plan. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits.*

(g) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the director of ~~code compliance~~ *building safety and permits* and county fire chief. No structure within the project shall be further than 400 feet from a hydrant.

**Section 24-466. Procedures.**

(c) *Guarantees.* The ~~code compliance~~ director *of building safety and permits* shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and sewer facilities, shown on the development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

**Section 24-470. Requirements for improvements and design.**

(c) *Street.* All streets shall meet the requirements of the Virginia Department of Transportation. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~the environmental division~~ *engineering and resource protection.* Private streets may be permitted within “qualifying industrial parks” in accordance with section 24-55.

**Section 24-497. Requirements for improvements and design.**

(2) Individual wells shall be approved by the health department and the director of ~~code compliance~~ *building safety and permits* prior to preliminary site plan approval;

**Section 24-517. Procedures.**

(c) *Guarantees.* The director of ~~code compliance~~ *building safety and permits* shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads and public water and public sewer facilities, shown on the approved development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

Article VI. Overlay Districts.

**Section 24-595. Regulations for construction.**

(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the 100-year floodplain shall not be permitted unless the project is in conformance with the following requirements:

(1) In case of residential usage, the finished grade shall be at least one foot above the 100-year flood elevation for the lowest floor, including basement or cellar of structure. For nonresidential structures, watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate as appropriate to the director of ~~code compliance building safety~~  
*and permits.*

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of ~~code compliance building safety and~~  
*permits.*

---

Mary K. Jones  
Chairman, Board of Supervisors

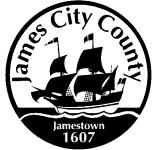
ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp24Zoning\_ord



## MEMORANDUM COVER

**Subject:** Ordinance to amend Chapter 10, Garbage and Refuse, Section 10-4, Maintenance of premises-Duty of owners, occupants and persons in charge; and Section 10-5, Recourse of county upon failure to maintain

**Action Requested:** Shall the Board adopt an ordinance that will bring the County Code into compliance with the State Code on maintenance of property by owners, occupants and persons in charge?

**Summary:** The County has been given authority by the State legislature to require the mowing of occupied properties. This ordinance puts that power into effect and also includes some additional housekeeping changes.

Staff recommends adoption of the attached ordinance.

**Fiscal Impact:**

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.: H-3**

**Date:** July 26, 2011

**MEMORANDUM**

DATE: July 26, 2011

TO: The Board of Supervisors

FROM: Max Hlavin, Intern, County Attorney Office

SUBJECT: Ordinance to amend Chapter 10, Garbage and Refuse, Section 10-4, Maintenance of premises-Duty of owners, occupants and persons in charge; and Section 10-5, Recourse of county upon failure to maintain

---

Tall grass and weeds are a problem in James City County and are naturally at their worst during the hot summer months. These proposed changes to Sections 10-4 and 10-5 of the County Code are largely housekeeping amendments which will align the County's ability to control and penalize such property mismanagement with the powers enumerated in the Code of Virginia. An ordinance adopted by the Board on September 14, 2010 has already given James City County access to the full range of civil and criminal penalties provided by the State legislature. The County is not currently taking advantage of the ability to provide for the cutting of grass and weeds on occupied properties – a power granted specifically to James City County by the State legislature. This State code amendment was specifically requested by the Board in its 2011 Legislative Program. These amendments simply allow the County to exercise its full power as defined by the State.

Section 10-4, as amended, breaks the premises maintenance duties into three distinct categories: (a) every property owners' duty regarding waste matter; (b) vacant property owners' duty regarding grass, weeds, and foreign growths; and (c) occupied property owners' duty regarding grass, weeds, and foreign growths. The amendments add subsection (b) which is the result of the reorganization of the preexisting duties of vacant property owners, and subsection (c) which extends the duty of premises maintenance to owners of occupied property within certain zoned areas in the County. This new duty for owners of occupied property is authorized by the Virginia General Assembly's recent amendment to Section 15.2-901 of the Code of Virginia which added James City County to the list of localities authorized to provide for the cutting of grass, weeds, and foreign growths on occupied property. This amendment to Section 10-4 will give the County the same recourse under Section 10-5 for unkempt occupied property within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial, or industrial use as could previously be employed for vacant property only. Separating the three categories allows for a coherent statement of what is expected from owners of certain types of properties in certain zones and also gives the Board the ability to more easily prescribe varying levels of maintenance for occupied as opposed to vacant property, which may be appropriate in the future.

The language, "occupant or person in charge" used after the term "owner" has been removed because Section 15.2-901 of the Code of Virginia only enumerates power to localities to prescribe for the duties of owners. The inclusion of people who are occupants or persons in charge of property could lead to a Dillon Rule violation if the County's power with regard to penalizing an owner of property was used against a non-owner occupant such as a tenant. In order to square the County's power with the Code of Virginia, such language as could lead to an overextension of authority must be removed.

July 26, 2011

Page 2

The additional language at the end of Section 10-4(a) that deals with the disposal of waste material gives the County another source of power to ensure that the problems created by waste are properly fixed, rather than shifted. If a violation of Section 10-4 is not disposed of in the proper way, then the County has not solved the problem; it has instead forced a property owner to move waste materials from one improper place to another. This language is specifically authorized by Section 15.2-901(A)(2) of the Code of Virginia.

In summary, these amendments will (1) give the County the ability to prescribe the maintenance of occupied properties within certain zones, as well as all vacant properties; (2) ensure that the disposal of trash and waste is done properly; (3) eliminate potential Dillon Rule issues; and (4) allow for the Board to more easily prescribe varying levels of maintenance for different property types were it to find the need.

---

Max Hlavin

CONCUR:



Leo P. Rogers

MH/gb  
GarbRefusAmen\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10. GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; AND SECTION 10-5, SAME-RECOURSE OF COUNTY UPON FAILURE OF OWNER OR OCCUPANT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10. Garbage and Refuse, is hereby amended and reordained by amending Section 10-4, Maintenance of premises-Duty of owners, occupants and persons in charge; and Section 10-5, Recourse of county upon failure to maintain by owner or occupant.

Chapter 10. Garbage and Refuse

Article I. In General

**Sec. 10-4. Maintenance of premises-Duty of owners, occupants and persons in charge.**

(a) It shall be the duty of each owner, ~~occupant and person in charge~~ of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance ~~and to provide for the cutting on vacant developed or undeveloped property of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.~~ *Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.*

(b) *It shall be the duty of each owner of any vacant developed or undeveloped property including such property upon which buildings or other improvements are located to provide for the cutting of grass, weeds and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.*

(c) *It shall be the duty of each owner of any occupied real property within platted subdivisions and areas zoned for residential, business, commercial or industrial use to provide for the cutting of grass, weeds, and other foreign growths as often as needed to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.*

**State law reference**-Authority of county to provide for removal of trash, garbage, weeds, etc., Code of Va. § 15.2-901.

**Sec. 10-5. Recourse of county upon failure to maintain by owner or occupant.**

(a) The county administrator or his designee, and upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time, and upon determination by the county administrator or his designee, following investigation, that the owner,~~occupant or persons in charge~~ of any real property in the county stands in violation of his duty as provided in section 10-4 and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and shall be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. In addition, the county administrator or

Ordinance to Amend and Reordain

Chapter 10. Garbage and Refuse

Page 3

his designee may record such documents among the real estate records of the county as may be necessary to give notice of such lien.

---

Mary K. Jones  
Chairman, Board of Supervisors

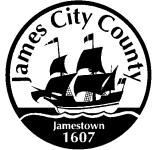
ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

GarbRefusAmen\_ord



## MEMORANDUM COVER

**Subject:** Ordinance to amend Chapter 2, Section 2-16.3, Disposition of unclaimed bicycles and mopeds

**Action Requested:** Shall the Board adopt the ordinance that allows for the James City County Police Department (JCCPD) to dispose of bicycles and mopeds after holding them for 30 days?

**Summary:** The James City County Police Department (JCCPD) has requested that changes be made to Section 2-16.3 in order to make the disposition of bicycles and mopeds easier for them. This ordinance allows for the JCCPD to dispose of bicycles and mopeds after holding them for 30 days as opposed to 60 and gives them the option of selling the bicycles and mopeds at public auction in addition to donating them to charity.

Staff recommends adoption of the ordinance.

**Fiscal Impact:**

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.: H-4**

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 2011  
TO: The Board of Supervisors  
FROM: Max Hlavin, Intern, County Attorney Office  
SUBJECT: Ordinance to Amend Chapter 2, Administration, Section 2-16.3, Disposition of unclaimed bicycles and mopeds

---

The James City County Police Department (“JCCPD”) has difficulty managing and storing unclaimed bicycles for the amount of time required by the current County Code. The JCCPD has requested that the County Code be updated to allow them the full range of options provided by Section 15.2-1720 of the Code of Virginia for dealing with unclaimed bicycles. These amendments to Section 2-16.3 of the County Code simply make the process of dealing with unclaimed bicycles quicker and easier for the JCCPD.

The first amendment allows for the JCCPD to sell unclaimed bicycles at public auction, as they are able to do with other unclaimed personal property, in addition to their ability to donate them to government agencies and charitable organizations. The proceeds of such sales will be handled in the same manner as the proceeds from the sales of other unclaimed property.

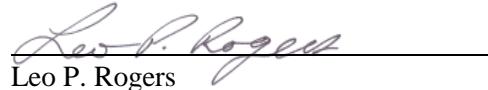
The second amendment allows the JCCPD to sell or donate bicycles and other mopeds after possessing them, unclaimed, for more than 30 days as opposed to 60. This will allow for the JCCPD to maintain a cleaner, less cluttered storage facility.

Staff recommends adoption of the attached ordinance.

---

Max Hlavin

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

MH/nb  
Chp2Sec2-16.3\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 2, SPECIFIC OFFICERS, SECTION 2-16.3, DISPOSITION OF UNCLAIMED BICYCLES AND MOPEDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-16.3, Disposition of unclaimed bicycles and mopeds.

Chapter 2. Administration

Article IV. Officers and Employees

Division 2. Specific Officers

**Sec. 2-16.3. Disposition of unclaimed bicycles and mopeds**

The chief of police is authorized to *sell at public auction, or* donate to any government agency or qualifying charitable organization any bicycle or moped which has been in the possession of the police department for more than ~~60~~ 30 days. For the purposes of this section, a qualifying charitable organization means a nonprofit or civic organization which serves, in whole or in part, residents of James City County and which is exempt under Section 501(c)(3) of the United States Internal Revenue Code. Prior to *selling or* donating any bicycle or moped, the chief of police or his designee shall make a reasonable attempt to notify the rightful owner of the property and publish a notice indicating the location and general description of the bicycle or moped at least once a week for two successive weeks in a newspaper of general circulation within the county. *Proceeds from a public sale shall be handled as defined in section 2-16.2(b) of this Code.*

**State law reference**-Code of Va., § 15.2-1720.

Ordinance to Amend and Reordain  
Chapter 2. Administration  
Page 2

---

Mary K. Jones  
Chairman, Board of Supervisors

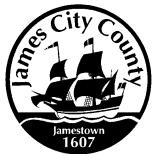
ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp2Sec2-16.3\_ord



## MEMORANDUM COVER

**Subject:** Olde Towne Medical Center Lease Renewal

**Action Requested:** Shall the County Administrator renew a lease between the County and the Williamsburg Area Medical Assistance Corporation for an additional five years?

**Summary:** The County has been leasing a portion of the Human Services Building to the Williamsburg Area Medical Assistance Corporation (WAMAC) for the operation of the Olde Towne Medical Center and it is time for a renewal of said lease. The lease term is five years. WAMAC will occupy approximately 10,000 square feet of the Human Services Building. The annual rent is \$80,052 for the first year and increases at the rate of four percent each year of the lease term.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.: H-5**

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 2011  
TO: The Board of Supervisors  
FROM: Max Hlavin, Intern, County Attorney Office  
SUBJECT: Olde Towne Medical Center Lease Renewal

---

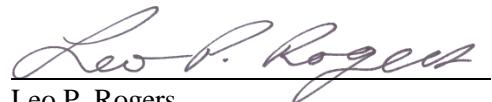
A lease between James City County and the Williamsburg Area Medical Assistance Corporation ("WAMAC") is up for renewal. Under the terms of the Lease, the County will provide space in the Human Services Building to WAMAC for the Olde Towne Medical Center. The lease term is five years and WAMAC will occupy approximately 10,000 square feet. The annual rent is \$80,052 for the first year and increases at the rate of four percent each year of the lease term. The proposed lease rent term of \$80,052 represents a four percent increase from the current rent of \$76,973, which is itself the result of consecutive annual four percent increases from the 2006 lease base amount of \$65,797. All other terms of the 2006 lease are identical to those in the proposed lease.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the lease agreement.

---

Max Hlavin

CONCUR:

  
Leo P. Rogers

MH/nb  
WAMAC-Lease\_mem

Attachments

**RESOLUTION**

**OLDE TOWNE MEDICAL CENTER LEASE RENEWAL**

WHEREAS, the Olde Towne Medical Center provides primary and preventative health care to residents of James City County; and

WHEREAS, the lease of a portion of the Human Services Building will assist the Olde Towne Medical Center in providing medical care to James City County residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the lease between James City County and the Williamsburg Area Medical Assistance Corporation for the operation of the Olde Towne Medical Center.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

WAMAC-Lease\_res



## MEMORANDUM COVER

**Subject:** Resolution Requesting that Cox Communications Hampton Roads, LLC Carry a Richmond Area Television Station in James City County

**Action Requested:** Shall the Board approve the resolution requesting that Cox Communications Hampton Roads, LLC carry a Richmond area television station in James City County?

**Summary:** Cox Communications Hampton Roads, LLC (Cox) has notified the County that due to contractual obligations, they will remove WWBT Channel 12 Richmond from their local line-up. This resolution encourages and supports efforts being made by Cox to seek a replacement Richmond-based broadcast channel that provides news, weather, and traffic information.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** None

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** I-1

**Date:** July 26, 2011

**M E M O R A N D U M**

DATE: July 26, 2011

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney  
Jody Puckett, Director of Communications

SUBJECT: Resolution Requesting that Cox Communications Hampton Roads, LLC Carry a Richmond Area Television Station in James City County

---

On July 23, 2011, James City County was notified by Cox Communications Hampton Roads, LLC (Cox) that due to contractual obligations, Cox will no longer carry WWBT Channel 12 Richmond effective August 1, 2011. Many County customers rely on a Richmond broadcaster for their news, weather, and traffic reports, and this change has a significant impact.

In an effort to find a solution, staff had several conference calls with Cox and further communications with the Federal Communications Commission (FCC). After hearing from County citizens and staff, Cox advised that it will seek another Richmond station to add to the Cox lineup which can be viewed by its James City County customers. The attached resolution supports and encourages that effort.

Under FCC regulations, any locality can negotiate cable franchises for their communities but programming and rates are not part of those agreements. Although the County has no legal authority with regard to programming, Cox has been receptive to previous requests from the Board of Supervisors to better serve Cox customers in the County.

We recommend adoption of the attached resolution.



\_\_\_\_\_  
Leo P. Rogers

---

Jody Puckett

LPR/JP/nb  
CoxRichSta\_mem

Attachment

## **R E S O L U T I O N**

### **RESOLUTION REQUESTING THAT COX COMMUNICATIONS HAMPTON ROADS, LLC**

#### **CARRY A RICHMOND AREA TELEVISION STATION IN JAMES CITY COUNTY**

WHEREAS, Cox Communications Hampton Roads, LLC has notified James City County that it is no longer able to carry Channel 12, WWBT/NBC Richmond, on its Norfolk/Hampton Roads cable television system; and

WHEREAS, each commercial television station in the United States is assigned a local television market according to Nielsen Media Research, and James City County is located in the Norfolk/Hampton Roads media market; and

WHEREAS, it is unusual to have two local broadcasters from the same network affiliate but located in different markets; and

WHEREAS, a large percentage of James City County residents associate themselves more with the Richmond media market than Norfolk/Hampton Roads and desire a Richmond source of news, weather, and traffic; and

WHEREAS, County staff has contacted Cox Communications Hampton Road, LLC and the Federal Communications Commission to gather information on the issue and express the deep concern of residents about the loss of a Richmond area media source.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that Cox Communications Hampton Roads, LLC explore all opportunities to bring a Richmond broadcaster to the James City County cable television system as soon as possible.

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

CoxRichSta\_res